

STATE BAR OF CALIFORNIA
COMMISSION FOR THE REVISION OF THE RULES
OF PROFESSIONAL CONDUCT

OPEN SESSION AGENDA

Friday, January 26, 2007
(9:15 am - 5:00 pm)

Saturday, January 27, 2007
(9:00 am - 5:00 pm)

State Bar Office
1149 South Hill Street, Room 723
Los Angeles, CA 90015

[NOTE RE MEETING SITE: Members of the public who wish to attend this meeting are asked to call Audrey Hollins at 415-538-2167.]

IMPORTANT E-MAIL DEADLINE:

After the agenda materials are sent by staff, only issues raised in e-mails sent by the deadline of Monday, **January 22, 2007**, will be considered at the meeting.

This e-mail deadline is not applicable to items III.A through F as those items have been designated as consent items with a deadline of Monday, **January 15, 2007** for objections to the recommendation of the codrafters (see notes re these items in section III of this assignments agenda).

I. APPROVAL OF OPEN SESSION ACTION SUMMARIES FROM THE OCTOBER 6, 2006 AND DECEMBER 1, 2006 MEETINGS

(Draft action summary for the October 6, 2006 and December 1, 2006 meetings to be circulated prior to the January meeting.)

II. REMARKS OF CHAIR

A. Chair's Report

(The Chair will provide an oral report on administrative, procedural, or other informational matters.)

B. Staff's Report

(Staff will report on the activities of COPRAC and the Board of Governors.)

III. MATTERS FOR ACTION - INITIAL CONSIDERATION OF PROPOSED RULES DISTRIBUTED FOR PUBLIC COMMENT (BATCH 1) (Name with asterisk is lead drafter, underline indicates a newly added co-drafter. Discussion of the rules in this section of the agenda will be limited to issues raised by the public comments or non-substantive clean-up revisions. Items A through F below are matters designated as a "Consent Item." Following distribution of the agenda materials, each of the consent items will be deemed approved for informal submission to the Supreme Court, unless an item receives at least 6 written objections from Commission members received by **January 15, 2007.**)

*Mohr
Julien
Ruvolo
SeLeague
Snyder

- A. CONSENT - Proposed Rule 7.1 [Rule 1-400]. Communications Concerning the Availability of Legal Services**
(Materials enclosed.) **[pages 1 – 68]**

*Mohr
Julien
Ruvolo
SeLeague
Snyder

- B. CONSENT - Proposed Rule 7.2 [Rule 1-400]. Advertising**
(Materials enclosed.) **[pages 69 – 100]**

*Mohr
Julien
Ruvolo
SeLeague
Snyder

- C. CONSENT - Proposed Rule 7.3 [Rule 1-400]. Direct Contact with Prospective Clients**
(Materials enclosed.) **[pages 101 – 130]**

*Mohr
Julien
Ruvolo
SeLeague
Snyder

- D. CONSENT - Proposed Rule 7.4 [Rule 1-400]. Communication of Fields of Practice and Specialization**
(Materials enclosed.) **[pages 131 – 154]**

*Mohr
Julien
Ruvolo
SeLeague
Snyder

- E. CONSENT - Proposed Rule 7.5 [Rule 1-400]. Firm Names and Letterheads**
(Materials enclosed.) **[pages 155 – 168]**

*Melchior
Foy
Tuft

- F. CONSENT - Proposed Rule 1.2.1 [Rule 3-210]. Scope of Representation**
(Materials enclosed.) **[pages 169 – 190]**

*Ruvolo
Mohr
Melchior

- G. Proposed Rule 2.4.2 [Rule 1-700]. Member as Candidate for Judicial Office**
[anticipated ½ hour discussion]
(Staff prepared background materials including public comments are enclosed. Codrafters' report to be distributed by codrafters prior to meeting.)
[pages 191 – 204]

*Ruvolo
Mohr
Melchior

- H. Proposed Rule 2.4.1 [Rule 1-710]. Member as Temporary Judge, Referee, or Court-Appointed Arbitrator**
[anticipated ½ hour discussion]
(Staff prepared background materials including public comments are enclosed. Codrafters' report to be distributed by codrafters prior to meeting.)
[pages 205 – 216]

*Ruvolo
Mohr
Melchior

- I. Proposed Rule 2.4 [Rule 1-720]. Member as Third Party Neutral**
[anticipated 1 hour discussion]
(Staff prepared background materials including public comments are enclosed. Codrafters' report to be distributed by codrafters prior to meeting.)
[pages 217 – 274]

*Snyder
Peck
Vapnek
Ruvolo

- J. Proposed Rule 1.1 [Rule 3-110]. Competence**
[anticipated ½ hour discussion]
(Materials enclosed.) **[pages 275 – 274]**

*Lamport
Julien
Vapnek
Sapiro

- K. Proposed Rule 1.5.1 [Rule 2-200]. Financial Arrangements Among Lawyers**
[anticipated ½ hour discussion]
(Staff prepared background materials including public comments are enclosed. Codrafters' report to be distributed by codrafters prior to meeting.)
[pages 321 – 350]

*Voogd
Lamport

- L. Proposed Rule 5.3.1 [Rule 1-311]. Employment of Disbarred, Suspended, Resigned, or Involuntarily Inactive Member**
[anticipated ½ hour discussion]
(Materials enclosed.) ***[pages 351 – 374]***

*Peck
Martinez
Tuft

- M. Proposed Rule 5.5 [Rule 1-300]. Unauthorized Practice of Law**
[anticipated ½ hour discussion]
(Materials enclosed.) ***[pages 375 – 436]***

*Foy
Sapiro

- N. Proposed Rule 5.6 [Rule 1-500]. Agreements Restricting a Member's Practice**
[anticipated ½ hour discussion]
(Materials enclosed.) ***[pages 437 – 498]***

*Peck
Vapnek
Tuft

- O. Proposed Rule 8.3 [Rule 1-500(B)]. Reporting Professional Misconduct**
[anticipated ½ hour discussion]
(Materials enclosed.) ***[pages 499 – 524]***

*Vapnek
Peck
Tuft

- P. Proposed Rule 8.4 [Rule 1-120X]. Misconduct (Includes Rule 1-120 Assisting, Soliciting, or Inducing Violations)**
[anticipated ½ hour discussion]
(Materials enclosed.) ***[pages 525 – 550]***

*Martinez

Tuft

Peck

- Q. Proposed Rule 1.0.1. Law Firm Definition**
[anticipated ½ hour discussion]
(Materials enclosed.) **[pages 551 – 564]**

*Tuft

Lamport

Julien

Melchior

Ruvolo

- R. Proposed Rule 1.0 [Rule 1-100]. Rules of Professional Conduct, in General**
[anticipated ½ hour discussion]
(Materials enclosed.) **[pages 565 – 588]**

*SeLeague

Ruvolo

Julien

- S. Consideration of Rule 3-500 and Rule 3-510 [ABA MR 1.4] Communication; Communication of Settlement Offer**
[anticipated ½ hour discussion]
(Materials enclosed.) **[pages 589 – 618]**

IV. MATTERS FOR ACTION - CONSIDERATION OF PROPOSED RULES REDRAFTED FOLLOWING PUBLIC COMMENT (BATCH 1) (Name with asterisk is lead drafter, underline indicates a newly added co-drafter.)

*Ruvolo

Foy

Julien

- A. Proposed Rule 1.8.10 [Rule 3-120]. Sexual Relations With Client**
[anticipated ½ hour discussion]
(Materials enclosed.) **[pages 619 – 620]**

*Tuft

Ruvolo

Vapnek

Mohr

Snyder

- B. Proposed Rule 5.1 [Rule 1-310X]. Responsibilities of Partners, Managers, and Supervisory Lawyers**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 621 – 644]**

*Tuft
Ruvolo
Vapnek
Mohr
Snyder

- C. Proposed Rule 5.2 [Rule 1-310X]. Responsibilities of Subordinate Lawyer**
[anticipated ½ hour discussion]
(Materials enclosed.) **[pages 645 – 648]**

*Tuft
Martinez
Peck
Snyder

- D. Proposed Rule 5.3 [Rule 1-300]. Nonlawyer Assistants**
[anticipated ½ hour discussion]
(Materials enclosed.) **[pages 649 – 650]**

V. MATTERS FOR ACTION - CONSIDERATION OF PROPOSED RULES NOT YET DISTRIBUTED FOR PUBLIC COMMENT (ANTICIPATED BATCH 2 OR BATCH 3 RULES)
(Name with asterisk is lead drafter, underline indicates a newly added co-drafter.)

*Lamport
Tuft
Voogd

- A. Consideration of Rule 1.8.1 [Rule 3-300]. Avoiding Interests Adverse to a Client**
[anticipated ½ hour discussion]
(Materials to be distributed by the codrafters prior to meeting.)

*Lamport
Foy
Melchior
Mohr
Voogd

- B. Consideration of Rule 3-600 [ABA MR 1.13] (Organization as Client)**
[anticipated ½ hour discussion]
(Materials to be distributed by the codrafters prior to meeting.)

*Martinez/Tuft
Kehr
Sapiro
Voogd

- C. Consideration of Rule 2-100 [ABA MR 4.2] Communication With a Represented Party**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 651 – 654]**

*Sapiro
Kehr
Melchior
Martinez

- D. Consideration of Rule 2-300 [ABA MR 1.17] Sale or Purchase of a Law Practice of a Member, Living or Deceased**
[anticipated 1 hour discussion]
(Materials enclosed.) **[pages 655 – 686]**

*Mohr,
Julien
Peck,
Selegue,
Tuft

- E. Consideration of Rule 3-100 [ABA MR 1.6 & 1.8(b)] Confidential Information of a Client**
[anticipated ½ hour discussion]
(Matter carried over. Previously distributed materials enclosed.)
[pages 687 – 702]

*Voogd/Kehr,
Julien,

- F. Consideration of Rule 4-210 [ABA MR 1.8(e)] Payment of Personal or Business Expenses Incurred by or for a Client**
[anticipated ½ hour discussion]
(Materials enclosed.) **[pages 703 – 706]**

*Foy
Julien
Peck

- G. Report on the Board Referral of Trust and Estates Section Legislative Proposal 2005-02 (re Impaired Clients) [ABA MR 1.14].**
[anticipated ½ hour discussion]
(Matter carried over. Previously distributed materials enclosed.)
[pages 707 – 720]

*Vapnek,
Ruvolo,
Voogd,

- H. Consideration of Rule 4-200 [ABA MR 1.5] Fees for Legal Services**
[anticipated ½ hour discussion]
(Matter carried over. Previously distributed materials enclosed.)
[pages 721 – 738]